

Exhibit L

DR. WILLIAM LONGO, on 03/03/2023
ANTHONY HERNANDEZ VALADEZ vs JOHNSON & JOHNSON, et al.

Page 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ,

Plaintiff,

vs.

JOHNSON & JOHNSON; ALBERTSONS
COMPANIES, INC., individually, and
as successor-in-interest, parent,
alter ego and equitable trustee
LUCKY STORES, INC.; LUCKY STORES,
INC.; SAFEWAY INC.; SAVE MART
SUPERMARKETS, individually, and
as successor-in-interest, parent,
alter ego and equitable trustee of
LUCKY STORES, INC.; TARGET
CORPORATION; WALMART INC.; and
FIRST DOE through ONE-HUNDREDTH DOE,

Defendants.

) Case No. 22CV012759

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Certified Transcript

(Pages 1-114)

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

DR. WILLIAM LONGO

Friday, March 3, 2023

Reported by: John Fahrenwald, CA CSR 14369, RPR

1 range -- not so much in a range -- to help the colors.

9:22:13AM

2 Q. Okay.

3 A. So I don't know the whole definition of it
4 anymore.

5 Q. Okay.

9:22:24AM

6 A. But it seems to be the new -- I should look it up
7 to get it exactly because it seems to be the new question
8 for depositions.

9 Q. If images aren't appropriately white balanced,
10 they can either appear too yellow or they can appear too
11 blue. Correct?

9:22:39AM

12 A. I don't know. I don't know how correct -- you
13 know, this is an older one than this is a -- you have more
14 yellows in this because you're using a tungsten lightbulb in
15 the microscopes and the new ones are LED, so you don't have
16 any white balance problems.

9:23:03AM

17 And this wasn't really ever a problem because the
18 conditions of these for chrysotile and the fibrous talc were
19 the same. So it's not changing anything here when you're
20 comparing the apples to apples versus comparing apples to
21 oranges.

9:23:21AM

22 Q. So my understanding now is that you're saying that
23 these images appear more yellow because of tungsten lighting
24 that was used in them in the older microscope?

25 A. Yeah, it's like a yellow light -- not a yellow

9:23:38AM

1 light, but it has yellow in it. And I think all our
2 photographs, going back to the last, you know, 30 years were
3 using those type of microscopes.

9:23:41AM

4 Q. Do you know whether the camera that you were using
5 at that time, whether it had a feature that would allow you
6 to white balance to compensate for that tungsten lighting?

9:23:56AM

7 A. Not to the degree it completely removes it.
8 Because when you compare these to the LED photographs, you
9 don't have the yellow like this.

10 Q. Okay. And when we're looking at this, for
11 example, let's look at the parallel. You have a structure
12 that you've identified here as chrysotile. Right?

9:24:18AM

13 A. Correct.

14 Q. Okay. And then what are these larger, rounder
15 structures?

9:24:37AM

16 A. Platy talc.

17 Q. Okay. And platy talc, because it's not in an
18 elongated form, however you move it, it's going to retain
19 the same refractive index? In other words it will always --
20 it will stay the same color, by and large?

9:24:59AM

21 A. Yes.

22 Q. And so if we look at the next slide -- so one of
23 the things you can do, will you agree with me, to see
24 whether or not something is appropriately white balanced is
25 to look at something in the image that you know -- where you

9:25:25AM

1 have an overloaded, it can look like that. Here's another
2 one. So just depends on the sample, what the loading is and
3 how many particles you have.

9:29:05AM

4 Q. I'm asking you, what kind of color is the talc if
5 you look at it in your microscope with your naked eye?

9:29:24AM

6 A. Here's what it looks like -- my naked eye, here's
7 what it looks like right now. This looks -- the 1.560.

8 In the 1.550, you got more yellows.

9 If you have a heavily-loaded, you might see more
10 like what's on the right, depending on what fluid you're
11 using.

9:29:47AM

12 If it's less loaded, I don't know if I've ever
13 seen it -- just talc look like that in Sanchez's PLM. So,
14 can't really compare it.

15 Q. Let's go to the next slide, 15.

9:30:07AM

16 It does not -- just looking at Slide 15, your old
17 report for Johnson & Johnson, it does not look like that.
18 Correct?

19 A. Well, I wouldn't expect it to look like that or
20 not look like that. You know, samples are different.

9:30:28AM

21 Q. Well, these are the images you gave before. This
22 is not the color -- the talc plates, that is not the color
23 that you would see looking through the microscope, a PLM, at
24 talc in this oil. That's not what it would look like.

25 Correct?

9:30:47AM

1 A. That's what it has looked like, yes.

9:30:48AM

2 Q. Okay. So you're telling me that with your naked
3 eye, that's the color of talc in your -- under your PLM
4 machine.

5 A. Our PLM microscope now, no. The yellows are much
6 subdued as with yellows -- the yellow-golds in the
7 chrysotile.

9:31:04AM

8 But it doesn't change anything about the
9 identification of chrysotile. This is all interesting
10 cross.

9:31:22AM

11 But if you look on the left-hand side, you have
12 1.550 -- excuse me, the right-hand side, 1.550 to 1.560 --
13 you've got extension at 1.550.

14 And then for the gamma, you know, 67 to 70, you
15 got the refractive indices. I don't think what you
16 understand is those real white areas, that's either fibrous
17 talc or platy talc on edge. And because you have the white,
18 you're way above -- way down in the 400-nanometer range
19 because it's all white light in the same way. So you can
20 easily compare it to show that it is not -- what we've
21 analyzed there is not fibrous talc that has the refractive
22 indices on it.

9:31:45AM

9:32:07AM

23 Q. On the left-hand image, you can see that the
24 structure you've identified as chrysotile is pretty much the
25 same color at the platy talc. Right?

9:32:31AM

1 A. Yes and no.

9:32:36AM

2 Q. Okay. What's the "no," since the yes is obvious
3 in the picture?

4 A. The "no" is that when we do these analysis, you're
5 looking at literally the Becke line around the outer ridge
6 of the structure. And the other edge of the structure in
7 the gamma is more in the reds. You don't look at the
8 overall yellow going across it.

9:32:47AM

9 And same thing on the other side.

10 So --

9:33:05AM

11 Q. Okay.

12 A. You're -- you're miss -- you're not understanding
13 on how the analysis is done. You don't look at that overall
14 color. You go around the outer edge.

15 Q. Okay. Do you see the outer edges of the talc
16 plates also having what you're referring to as red?

9:33:22AM

17 A. You're looking at a platy structure. It's not --
18 and you only got one refractive indice [sic] on a flat
19 platy. So we're not -- I don't think -- our criticism is,
20 is we've been misidentifying fibrous talc not that we're
21 identifying chrysotile. We're misidentifying platy talc.
22 So -- but the reds around the outer are a little bit
23 different than we have on there, and it's not fibrous.

9:33:44AM

24 What you need to be comparing it to is those big
25 white areas there. That's what happens to fibrous -- to

9:34:06AM

1 talc. A lot of times in the 1.550, it's out of the
2 spectrum. You can't even get a refractive indice. [sic]
3 All's you could say is, it's greater than 1.580 or 90 and
4 it's less than 1.535.

9:34:08AM

5 Q. One thing we know about the idea -- looking at
6 talc, one of the reasons that you're saying talc has a high
7 birefringence value is because one of the colors that it
8 shows is bright yellow. Right? That's a factor in why it
9 would have a high birefringence value. Correct?

9:34:27AM

10 A. Yes.

9:34:48AM

11 That's only one of the factors.

12 Q. Okay. But like the leaves in the picture with the
13 owl, your platy talc is not showing that color. Right?

14 A. The platy talc is not fibrous and the platy talc
15 is not -- from straight up, it does not have two refractive
16 indices. So -- and it literally disappears when you put it
17 in elongation. So you're trying to -- trying to -- apples
18 and oranges. You know, I'll reject the argument here.

9:35:08AM

19 Q. Okay.

20 A. What you need to compare it to is those big white
21 areas that are on -- that are in the parallel and
22 perpendicular direction in the left and right. That's what
23 happens with platy talc -- excuse me, the fibrous talc or
24 talc plates on edge. We're not comparing what we're
25 analyzing to a piece of platy talc. It doesn't make any

9:35:29AM

9:35:47AM

1 sense.

9:35:51AM

2 Q. Talc in parallel will be the same color as a talc
3 plait. Correct?

4 A. That makes no sense.

5 MR. RIVAMONTE: Overbroad.

9:36:07AM

6 THE WITNESS: I don't understand the question.

7 Q. (BY MR. DUBIN:) You don't understand the question?
8 Well, what would be -- how would you compare the color of
9 talc in parallel -- elongated talc in parallel and the color
10 of talc plates?

9:36:22AM

11 A. They're completely different.

12 Q. They're completely different colors?

13 A. Again, I point you back to the white areas. Or I
14 point you to a lot of examples where we have, you know,
15 intergrowth between a fibrous elongated talc on one side and
16 chrysotile on the other side. They're completely different.
17 And we don't even look at that. They're not -- these big
18 plates -- those plate aren't fibrous.

9:36:41AM

19 You want to take the colors of what we're seeing
20 there and then say, well it's the same color.

9:36:59AM

21 Then if you look over in elongation, are you
22 seeing -- I mean in gamma, look how different that color is.

23 Q. And --

24 A. We've got the dark blue to extinction. Talc
25 doesn't do that.

9:37:20AM

1 Q. We can talk about perpendicular in a second. In
2 parallel -- you're selling me that in parallel, talc plates
3 and an elongated talc piece will not be the same color?

9:37:20AM

4 MR. RIVAMONTE: Misstates testimony.

5 Q. (BY MR. DUBIN:) Are they the same or not the same?

8:49:12AM

6 A. Well, which ones do you want to point to?

7 Q. I'm looking at one in parallel.

8 A. I'm looking at a whole range of colors, but I'm
9 not seeing anything that meets the criteria for a fibrous
10 bundle.

9:37:58AM

11 Q. I'm not --

12 A. So it's -- we're arguing -- we're debating over
13 this color when it has no useful ending to it other than a
14 talking point on your hat.

15 Now I've answered the question. We need to move
16 on.

9:38:11AM

17 Q. Can you tell me what the refractive index of a
18 talc plate is?

19 MR. RIVAMONTE: Vague and overbroad.

20 THE WITNESS: I would say the majority of them
21 there, you know, are down in the 1. -- 1.5 -- maybe 1.55 --
22 1.558 or something like that. I don't know. I'd have to
23 go -- I'd need to be looking in the microscope and look at
24 the chart.

9:38:28AM

25 What I do know is platy talc is not fibrous, so

9:39:01AM

1 it's not in the equation. And what I do know, if I look
2 over in the alpha, we don't see any blues. And if I look at
3 what is in perpendicular on that big structure up in the
4 left-hand corner, where I say, this is a -- this is a
5 talc -- talc plates on edge right there or this is fibrous
6 talc, and that's now -- in the left-hand side, that's in the
7 alpha direction, and you can't see such a blue on the end.
8 It's real bright.

9:39:06AM

9 And then on the right-hand side, now it's in the
10 parallel direction and you still got the white. That's out
11 of the range of all the refractive indices. I mean, you're
12 looking at greater than 1.590.

9:39:30AM

13 And on the other side, you're looking, less than
14 1.535.

9:39:45AM

15 Q. All right. Let's see if we can -- we'll come back
16 to this issue in a second. Let's go to the next. Let's go
17 to slide 16.

9:40:05AM

18 Typical guidance on how this birefringence value
19 should be calculated if we take the highest parallel,
20 meaning the brightest color, and the lowest perpendicular.
21 Correct? That's how birefringence in the published
22 literature is calculated. Correct?

9:40:31AM

23 A. No. And no.

24 Q. Okay.

25 A. Not calculated at all. If you actually to

9:40:55AM

1 and straight up, you see a very yellow-looking structure.

10:24:29AM

2 And I can see structures in that.

3 And then if I go to the parallel, I can see this
4 brightish -- bright white and a bright blue. That's fibrous
5 talc.

10:24:49AM

6 And tell me, if you can absolutely see the
7 difference there.

8 **Q. Okay. Talc in perpendicular can also be blue.**
9 **Right?**

10 A. Fibrous talc in the perpendicular can be blue.

10:25:11AM

11 But if you compare -- if you go to the
12 perpendicular photograph, which would be the next one where
13 I said, that's talc. And look at it in the perpendicular --
14 it's not quite on perpendicular -- it's bright -- light,
15 bright blue to white. So that white puts it less than
16 1.535.

10:25:31AM

17 **Q. So what is the structure to the right of the one**
18 **that you've identified, the larger blocky structure with**
19 **blue on the side? What is that it? Looks like it's mostly**
20 **in perpendicular.**

10:25:53AM

21 A. I just have to get oriented here, so give me a
22 second.

23 MR. RIVAMONTE: Mr. Dubin, I just want to clarify.
24 The image that we're currently looking at now is page 32 of
25 Dr. Longo's report, the parallel dispersion?

10:26:44AM

MR. DUBIN: On the right, yeah.

10:26:49AM

MR. RIVAMONTE: Okay. Yeah.

MR. DUBIN: I'm not sure if it has page numbers or we just counted pages.

MR. RIVAMONTE: I'm just looking at the PDF, whatever the PDF says. It's page 32.

10:27:07AM

Q. (BY MR. DUBIN:) Sorry, Doctor, I wasn't sure if you were in the middle of --

A. Yeah, I heard it. I'm just looking at it. It's hard to say, what is that? What is that?

10:27:20AM

I mean I'd have to be looking in the microscope at it to tell you what that is. It's not something we identified. So I don't know what's wrong with it, but I'd have to be looking in the PLM scope to make a guess.

Q. Based on morphology, does that to appear to be a talc plate?

10:27:37AM

A. Again, I'd have to be looking in the microscope to make any decision on what that might be.

Q. And is that generally true? In order to properly judge what colors were observed on here, you would have to be at the microscope and actually look at the slide?

10:27:54AM

A. It's not so much the colors. It's the focus. It's -- you know, I would look at elongation, at lower magnification. So got kind of an oddball structure to it to be chrysotile. I don't -- doesn't really have substantially

10:28:22AM

1 just do this first.

10:32:42AM

2 So I've got an image here. If we go to the next
3 from what I've received in morning. And -- so we understand
4 again, this is what you're using as your reference from
5 Calidria chrysotile in 1560 oil, the same oil that you're
6 using for the Valadez bottles. Right?

10:33:06AM

7 A. Oh, you're pulling it up. Okay. I couldn't
8 figure out -- where did that come from?

9 Q. Yeah, page 21.

10 A. Yes, that's what we're using.

10:33:26AM

11 Q. And so this is structure, in this Calidria
12 reference, that you've identified as being chrysotile.
13 Correct?

14 A. Yes, sir. It is chrysotile.

15 Q. Okay. So, as we point out, there's also talc in
16 this reference sample. Right?

10:33:39AM

17 A. Yes.

18 Q. Okay. Is that bright yellow?

19 A. No. I would say that's sort of a goldish-brown --
20 a goldish area. It's not bright yellow at all.

10:33:54AM

21 Q. Okay. Is this the color that you are -- is this
22 color in your view in parallel inconsistent with talc?

23 A. Oh, totally.

24 Q. Is it the same color that you're seeing on the
25 talc plates?

10:34:19AM

1 A. Oh, the talc plates?

10:34:21AM

2 Q. Yeah. Are you seeing that same yellow on the talc
3 plates?

4 A. I don't think that's the same color.

5 Q. You don't think that that yellow is the same color
6 that you're seeing in the talc plates near it?

10:34:29AM

7 A. I'm sorry. Could you repeat that?

8 Q. You don't think that yellow is the same color as
9 the talc plates that you're seeing in this image?

10 A. No. I don't.

10:34:43AM

11 Q. In fact, it's brighter looking than some of the
12 talc plates?

13 A. I would say it's a different shade.

14 Q. Okay. Well, let's see what shade you did call it.
15 So you give a value of 1570. Right?

10:34:56AM

16 A. That's right.

17 Q. Okay. And we can go forward one slide, and we'll
18 come back.

19 So the way we do this -- I mean, your lab is at
20 what temperature? About 22, you said?

10:35:18AM

21 A. 21 degrees centigrade.

22 Q. 21. Okay. So we would look 1570, 21 degrees,
23 1560 oil, and it gives us a value of 500. Right?

24 A. Yes. That's -- I guess, that's the old Su tables,
25 but 1.570 ought to be about 500.

10:35:48AM

1 Q. Okay. Now let's go back one slide, back to 26.

10:35:52AM

2 And so 500, the color that we should be observing is the one
3 underneath the 500. Right?

4 A. It should be close to that.

5 Q. Are you honestly telling me that when you look at
6 this image, that structure is that magenta color underneath
7 500?

10:36:07AM

8 A. Well, no.

9 MR. RIVAMONTE: Argumentative.

10 THE WITNESS: I'm not saying that. That magenta
11 color under 500 -- ours is more in the 1.572 -- you know, if
12 these are -- if he's correct. I got to go back to his
13 tables, and we're using the tables he has in his
14 publication. And I'd be looking at -- let me take look at
15 that.

10:36:22AM

16 Oh, I'm looking at the chrysotile. No wonder.
17 Need to be looking at the talc that we analyzed. Where is
18 that? You're looking at the standard. No wonder. There it
19 is.

10:36:49AM

20 No, we have sort of that at the 500 mark. Again,
21 I'd have to be under the microscope to look at it, but the
22 outer edge, I think that was averaged. But I think that's
23 what you're using is from one of his older Su tables maybe.
24 But I don't have a problem with -- the whole thing is not
25 looking this magenta -- redder-ish [sic] purple.

10:38:57AM

10:39:27AM

1 But on the outer edge, on the top of the structure
2 it has where the Becke line is. So I'm not concerned with
3 that.

10:39:30AM

4 Q. Can you see anything -- again, see this little
5 particle, this yellow particle, the talc plate in between
6 these blue structures to the right of what you've mark off?
7 See those talc plates?

10:39:39AM

8 A. I do.

9 Q. Is there some difference that you're -- you're
10 seeing there that causes you to call this magenta and --

10:39:57AM

11 A. No, I'm not saying the whole thing is magenta.
12 What we're doing now is we're averaging them. It's hard to
13 see where you haven't blown it up.

14 But on the top edge, we have a little bit
15 different color there. So I'd have to go and look at -- and
16 see if this was averaged out on it. Because at least on my
17 photograph, I can see on that top edge where the Becke line
18 is.

10:40:19AM

19 Q. Okay. Let's go forward to more slides.

20 To that one, yeah.

10:40:42AM

21 So again, what we've -- we've already talking
22 about this. Let's go one more. Okay.

23 What color are you seeing here in this structure
24 that you've identified as chrysotile?

25 A. Is this the new one?

10:41:12AM

1 Q. Yep. That's the same structure we were looking at
2 before.

10:41:15AM

3 A. I'm going to --

4 Q. Sure.

5 A. -- look at my photograph.

10:41:22AM

6 Q. Look at your photograph.

7 A. It looks like almost a purple around the Becke
8 lines.

9 Q. Okay. So first, let me make sure I'm
10 understanding. The structures above it, so, say, for
11 example, to the left of the top of the arrows, that's a talc
12 plate. Right?

10:41:57AM

13 A. Yep.

14 Q. Okay. And so you're telling me that the structure
15 that we're looking at here, you would characterize that as
16 purple, the one that you're calling chrysotile?

10:42:12AM

17 A. I'm not talking about the structure. I'm talking
18 about the very outside of the bundle where you're supposed
19 to be determining you're refractive indices.

20 I'm not talking about the whole structure. I'm
21 talking about where you make the call on this as -- as
22 discussed in Dr. Su's published paper.

10:42:32AM

23 Q. Okay. Just so we're clear here, the 1564 is the
24 refractive indices that you give for this. And so 1564,
25 that's structure should be purple. Right?

10:42:59AM

1 A. Purple, purplish-red.

10:43:05AM

2 Q. Okay?

3 A. That's what I'm seeing on the outer edge, not the
4 whole structure.

5 Q. Okay. So is it -- you're understanding then that
6 this chrysotile, it's going to be all yellow -- and it's
7 going to be yellow and then some faint line of purple on the
8 outside or something like that? That's what you're seeing
9 here?

10:43:13AM

10 A. What are you -- I'm not sure what you're talking
11 about. I see no yellow on that chrysotile structure. What
12 I'm looking at is the outer edge of the bundle.

10:43:38AM

13 Q. Uh-huh. Okay. So let's keep going. But you're
14 treating this -- for purposes of your birefringence
15 calculation, you're treating this -- the number that goes
16 into your calculation is associated with purple?

10:44:00AM

17 A. Now, that's what it looks like to me, sitting
18 here. Again, you know, I'd have to be sitting at the PLM
19 scope, but I can see a reddish-purple around the edge, what
20 I'm looking at right now.

10:44:22AM

21 Q. You can't see -- because, again -- because of the
22 illumination, you can't see that also -- a little bit of an
23 edge around the talc plate up there?

24 A. What I see around that talc plate is reds and
25 yellows.

10:44:38AM

1 Q. Okay. So you would characterize the talc plate as
2 red and yellow, red on the outside?

10:44:39AM

3 A. Looking at the bottom of it, it's sort of a darker
4 red. And then you also see areas that are yellow, and then
5 you have some areas on the very backside.

10:44:54AM

6 Q. So talc -- sorry.

7 A. I don't see any structures inside that talc plate.

8 Q. But you're saying --

9 (Simultaneous speaking.)

10 A. -- different color, a different -- different
11 colors than what we're looking at, at the chrysotile bundle.

10:45:11AM

12 Q. But you're saying a talc plate can also have that
13 sort of reddish outside in those images. Right?

14 A. Well, what I'm saying is, it's different than what
15 you're pointing to.

10:45:29AM

16 Q. But it can have like what you're seeing as a
17 reddish outline in these images, the talc plate?

18 A. Well, what I see is yellow, a little bit of red
19 area, I see a little bit of blue area, and then I see in the
20 very front -- well, that's in the parallel -- perpin- --

10:45:47AM

21 Then I see a little bit of red, but I don't see
22 the shade of the reddish-purple that I see around the
23 chrysotile one. Again, I'm not looking through the
24 microscope, but trying to answer your question.

25 Q. Yeah. So let's go ahead a little bit. We can

10:46:03AM

1 skip to the -- let's to 30 for a second.

10:46:06AM

2 The next one.

3 So the number you're assigning to that structure
4 that we looked at before in parallel is actually even more
5 dark purple than the ISO reference chrysotiles. Right?

10:46:32AM

6 A. Well, you've got all kinds of colors there.
7 You've got bright yellow, you've got some blues in there,
8 you've got some magenta. And of course, we're in 1.550,
9 here. I don't believe this is 1.560, so you can't compare
10 the two.

10:47:07AM

11 Q. I know, but just in terms of the visual color
12 where it goes on the wavelength. On the wavelength, you're
13 saying that that structure in Johnson & Johnson is are more
14 purple than this?

15 A. That's not purple.

10:47:23AM

16 Q. Okay. Well, you're saying it's farther towards
17 the purple range than this. Correct?

18 A. Well, you can't compare the colors. This is in
19 1.550. We're looking at 1.560.

20 Q. What I'm asking you is: The colors are associated
21 with wavelengths. Right? In both circumstances. Right?

10:47:40AM

22 A. They're associated with wavelengths, but the 1.560
23 changes that wavelength even though you will get the same
24 refractive indices because you have to look at a 1.560. I'm
25 not -- you can't -- you can't look at this in 1.560 and then

10:48:05AM

1 try to compare -- 1.550 and try to compare to 1.560.

10:48:11AM

2 Q. I'm just talking about the color, the color
3 itself. Right? The color of this is -- you're saying
4 visually whatever oil it's in, that the structure we just
5 looked at from the Johnson & Johnson is further towards
6 purple than this. Right?

10:48:31AM

7 MR. RIVAMONTE: Asked and answered.

8 THE WITNESS: You can't compare the two.

9 And, yes, it's a darker reddish-purple than, you
10 know, this magenta color eliminating the bright yellow
11 colors and ignoring the size of structure under that, that
12 is probably closer -- is more closer to the size ranges
13 we're seeing.

10:48:52AM

14 So, yeah. You just can't compare the two. I told
15 you my opinion about it and what was around the edge, and
16 I'm not looking in a microscope. I can't answer it anymore
17 and help you out here.

10:49:12AM

18 Q. Just so we're clear what I'm asking about, I'm
19 comparing the color of this to -- go back a couple of
20 slides, please -- and this. These are the two ones I was
21 asking you about. Right?

10:49:28AM

22 A. That's so misleading, Mr. Dubin.

23 Q. Well --

24 A. You're talking about the whole structure. I'm
25 talking about right around the Becke line of a structure

10:49:42AM

1 will move into the structure, or it will move out of the
2 structure.

11:58:52AM

3 Or it will stay at a particular -- and you will
4 know if you got the right refractive indice fluid for a
5 matching. So you have to -- it's a way to look at unknowns.

11:59:03AM

6 You know, you put 1.550, zero in and it moves
7 away, I believe that is -- means -- and I always forget --
8 it's either too high or too low to -- and what you're
9 looking for is a fluid that you don't get movement.

10 **Q. Okay. And just for --**

11:59:29AM

11 A. So it matches what the wavelength -- what the
12 matching wavelength.

13 **Q. Just for reference, we're looking at**
14 **M71614-001CSM-002.**

15 **So are there any images in here where we can**
16 **determine the colors that we're seeing in the Becke line and**
17 **translate those into wavelengths of light? Or do we not**
18 **have images to be able to do that?**

11:59:46AM

19 A. You know, maybe. You don't really have the image
20 there. But the one that's parallel -- I don't know if you
21 could really do that or not. We don't do Becke line work
22 here, so it's not something I do all the time or would do.

12:00:06PM

23 I wouldn't use Becke lines to identify a
24 particulate that's unknown. I would start off with SEM or
25 something.

12:00:30PM

1 Q. Okay. So you wouldn't be able to tell me, for
2 example, if this were a Becke line, what wavelength of light
3 that -- what color -- what wavelength of light that's
4 associated with?

12:00:31PM

5 A. No. In order for me to do that, I would have to
6 be sitting at the microscope, in focus, out of focus, and
7 look at that.

12:00:45PM

8 So, no, that's not something I can just do from
9 looking at this picture. At least I can't.

10 Q. So then for purposes of understanding your
11 testimony when you were talking about Becke lines before,
12 you just mean the edge of the image and the dispersion
13 standing?

12:00:59PM

14 A. Correct. I should have been more careful about
15 how I was phrasing.

12:01:17PM

16 Q. Okay. And in -- when we were talking earlier
17 about the tungsten lighting that was on the old microscope,
18 is it fair to say that in all of the old depositions where
19 we've talked about your chrysotile findings in Johnson &
20 Johnson, when you were speaking about the images depicting
21 gold colors or orange colors, that was with a microscope
22 that was using tungsten lighting that was adding yellow to
23 the image?

12:01:38PM

24 A. Yeah, could be.

25 But the interesting thing is the refractive

12:01:59PM

DR. WILLIAM LONGO, on 03/03/2023
ANTHONY HERNANDEZ VALADEZ vs JOHNSON & JOHNSON, et al.

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C E R T I F I C A T E

I, the undersigned, a Certified Shorthand Reporter
of the State of California, do hereby certify:

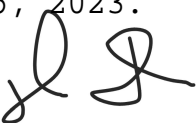
That the foregoing proceedings were taken before
me via videoconferencing at the time and place herein set
forth; that any witnesses in the foregoing proceedings,
prior to testifying, were duly sworn; that a verbatim record
of the proceedings was made by me using machine shorthand
which was thereafter transcribed under my direction; that
the foregoing transcript is a true record of the testimony
given.

Further, that if the foregoing pertains to the
original transcript of a deposition in a Federal Case,
before completion of the proceedings, review of the
transcript was ☐ was not ☐ requested.

I further certify I am neither financially
interested in the action nor a relative or employee of any
attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my
name.

Dated: March 6, 2023.



JOHN FAHRENWALD

CA CSR 14369